

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

DZHOKHAR TSARNAEV

No. 13-cr-10200-GAO

MOTION TO APPOINT CJA COUNSEL

Dzhokhar Tsarnaev respectfully requests that the Court re-appoint undersigned counsel under the Criminal Justice Act in the above-captioned case on remand from the United States Court of Appeals for the First Circuit.

As grounds for this motion, undersigned counsel states:

1. Mr. Tsarnaev is legally indigent and has been represented by court-appointed counsel at every stage of proceedings, in this Court and in the First Circuit.
2. Undersigned counsel represented Mr. Tsarnaev in this Court at the initial appearance, in pretrial proceedings, at trial, and at sentencing in this case, while serving as an Assistant Federal Public Defender for the District of Massachusetts.
3. Undersigned counsel is now in private practice and is a member of the CJA Panel for the District of Massachusetts.
4. Section V.B. of the D. Mass. CJA plan provides that in “exceptional circumstances, a judicial officer shall have the discretion to appoint ... a CJA Panel member other than the duty attorney, in order to serve the interests of justice, judicial economy, continuity in representation, or if there is some other compelling circumstance warranting such appointment.” These considerations militate in favor of re-appointing undersigned counsel in

this case, to provide continuity with the trial team, and to serve as local counsel with an office in this District.

5. In addition to undersigned counsel, attorneys Daniel Habib, Deirdre von Dornum, and Mia Eisner-Grynberg from the Federal Defenders of New York, who are admitted in this District and have represented Mr. Tsarnaev in the First Circuit, plan to file (or have filed) notices of appearance in this case.

6. Finally, David Patton, who represented Mr. Tsarnaev in the First Circuit and is admitted *pro hac vice* in this case, *see* D.E. 1704, plans to serve as *pro bono* counsel “learned in the law applicable to capital cases.” 18 U.S.C. § 3005. Mr. Patton previously served as Executive Director of the Federal Defenders of New York and is now in private practice.

7. Pursuant to § 3005, Attorney von Dornum has conferred with the Interim Federal Public Defender for the Districts of Massachusetts, New Hampshire, and Rhode Island, who approves of the plan for capital representation set forth herein.

For the foregoing reasons, this Court should grant this motion.

Respectfully submitted,

DZHOKHAR TSARNAEV

/s/ William Fick

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August 5, 2024

Certificate of Service

I hereby certify that this document and any attachments filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on August 5, 2024.

/s/ William Fick